

**REMARKS**

The Office Action mailed November 3, 2005 has been carefully reviewed along with the references cited therein. In the subject Office Action the Examiner rejected claims 1, 3, 7-9 and 15-17 under 35 U.S.C. § 102(b) as being anticipated by Hullman et al. (U.S. Patent Publication No. 2005/0025603). The Examiner also rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Hullman as applied to claim 1.

In the Response to Arguments section, the Examiner indicated that she did not give any patentable weight to the recitation of the rod hanger adapter in the preamble. The Examiner cited the cases that generally hold that a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process of the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the structural limitations are able to stand alone.

Applicant has amended claim 1 in an attempt to provide patentable weight to the preamble such that claim 1 defines over Hullman et al. For instance, the preamble of claim 1 has been amended so that the rod hanger adapter is "configured to mount" to a side wall of an associated cabinet and receive an associated rod "on which items can be hung." The body of the claim refers back to structures that were introduced in the preamble. For example, claim 1 has been amended to recite "a first wall comprising an opening configured to receive a lance that extends from or is mounted to the side wall of the associated cabinet." Similarly, claim 1 has been amended to recite "the second side wall includes a first portion of slot configured to receive the associated rod on which items can be hung." Applicant respectfully asserts that the preamble no longer recites the intended use of the claim structure and believes that the claim as amended patentably defines over Hullman.

Claim 26 has been added to the application. It recites an assembly for selectively hanging associated items in an associated cabinet. The assembly includes a rod hanger adapter and a rod selectively received in a slot of the rod hanger adapter. The rod hanger adapter is further defined to include a first wall, a second wall, and a third wall. The first wall includes an opening for mounting the rod hanger adapter to a side wall of the associated cabinet. The second wall includes a first portion on the slot. The third wall also includes a portion of the slot. It is in this slot that the rod is received. Hullman fails to

disclose a rod and therefore fails to anticipate claim 26. Claims 27-30 dependent from claim 26 and are believed to be patentable since claim 26 is believed to be patentable.

Claim 31 has also been added to the application. Claim 31 recites "[i]n a cabinet, a rod hanger adapter for selectively mounting a rod in the cabinet so that items can be hung from the rod." Claim 31 goes on to define the rod hanger adapter as comprising a first wall, a second wall and a third wall. The rod hanger adapter is similar to the limitations that were introduced in claim 15 with some minor modifications. Applicant again is attempting to define the application over the fixing clamp that is disclosed in Hullman et al.

Applicant's attorney phoned the Examiner on February 2, 2006 to discuss what appeared to be a typographical error in the last paragraph of page 2 of the November 3, 2005 Office Action. During the telephone conversation, the Examiner indicated that a typographical error had been made. The Examiner also indicated that she did not give any patentable weight to the preamble of claims 1 and 15 during her examination. Applicant's attorney indicated that in his response to the subject Office Action he would attempt to amend the claims in such a manner that the Examiner would give patentable weight to the fact that Applicant's invention is directed to a rod hanger adapter.

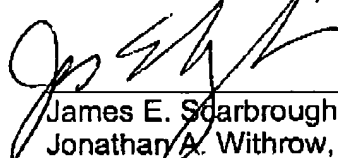
### CONCLUSION

For the reasons detailed above, it is submitted that all claims remaining in the application are now in condition for allowance. Accordingly, an early indication of the same is earnestly solicited. In any event, should the Examiner find that she is unable to allow the claims in the pending application, she is encouraged to telephone Jonathan Withrow at the number listed below.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

February 3, 2006  
Date

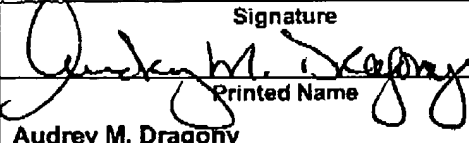


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